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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 SPENCER L. MILLER

9 Petitioner,

10 v.

11 BRUCE STOLE,

12 Respondent.

Case No. C09-5083BHS

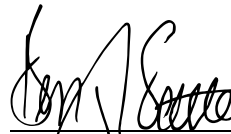
ORDER ADOPTING REPORT
AND RECOMMENDATION

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14 This matter comes before the Court on the Report and Recommendation of the
15 Honorable J. Kelley Arnold, United States Magistrate Judge (Dkt. 4). The Court having
16 considered the Report and Recommendation, Petitioner's failure to file objections, and the
17 remaining record, does hereby find and order:

18 (1) The Court adopts the Report and Recommendation; and

19 (2) Petitioner's Application to Proceed *In Forma Pauperis* (Dkt. 1) is **DENIED**.

20 DATED this 22nd day of April, 2009.

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24 BENJAMIN H. SETTLE
25 United States District Judge
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ORDER